

Members

Sen. Sue Landske, Chairperson
Sen. Marvin Riegsecker
Sen. Vaneta Becker
Sen. Billie Breaux
Sen. Vi Simpson
Sen. Frank Mrvan
Rep. Troy Woodruff, Vice-Chairperson
Rep. William Davis
Rep. Woody Burton
Rep. Russ Stilwell
Rep. Peggy Welch
Rep. Dennis Tyler



INTERIM STUDY COMMITTEE ON PUBLIC HEALTH AND SAFETY MATTERS

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MEETING MINUTES¹

Meeting Date: October 24, 2006
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Sen. Sue Landske, Chairperson; Sen. Marvin Riegsecker; Sen. Vaneta Becker; Sen. Billie Breaux; Sen. Vi Simpson; Rep. Woody Burton; Rep. Peggy Welch; Rep. Dennis Tyler.

Members Absent: Sen. Frank Mrvan; Rep. Troy Woodruff, Vice-Chairperson; Rep. William Davis; Rep. Russ Stilwell.

Chairperson Landske called the meeting to order at 10:12 a.m.

1. Food Handling Regulations for Tax Exempt Organizations (HR 84-2006)

Representative Welch offered PDOC 20071609.001 (Exhibit A), concerning food sanitation. She introduced Chris Menze, president of the Indiana Environmental Health Association who stated that her organization confronted food borne illness on the front line. Her concern was that subcontracted vendors at an event might not have proper food inspections. The organization's proposal in Exhibit A to amend IC 16-18-2-137 would

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

exclude events where food is served that should not be subject to inspection, and she offered Exhibit B to amend IC 16-42-5-4 further. She believes that there have been incidents of food borne illness at events sponsored by religious groups. Rep. Burton believes that Marion and the surrounding nine counties have never had a reported outbreak at such a function. Discussion ensued as to the types of events, length of time in a year when events are held that should be exempt from certain sanitary regulations, and liability issues should attendees become ill. Kelli Whiting, secretary of the Indiana Environmental Health Association pointed out that the groups must be exempt from the state sales tax to be exempt under current law.

John Livengood, president of the Restaurant and Hospitality Association of Indiana, expressed concern that restaurants run by nonprofit groups may be exempt from certain sanitary standards. He believes that the sunset provision in IC 16-42-5-4 should be struck and that more work be done regarding laws and regulations. Representative Burton offered PDOC 20071609.002 (Exhibit C). Eric Miller of Advance America believes that churches and Christian schools should be exempt from these sanitary requirements. Representative Burton proposed adoption of PDOC 20071609.002. Representative Welch stated that she could not support either that draft or PDOC 20071609.001 at the present time, and that she needed to know more about the issues. The vote to adopt PDOC 20071609.002 failed at 4-4. PDOC 20071609.001 was not voted upon.

2. Railroad Labor Camps (Senator Landske and HCR 68-2006)

Jeff Bainter of the Railroad Division of the International Brotherhood of Teamsters showed the Committee a DVD regarding the conditions of some Norfolk Southern railroad labor camps, although not all camps shown in the DVD were in Indiana. He also gave the Committee Railroad Labor Camps (Exhibit D), which contains photographs from the DVD. He stated that camps are set up for only two to three weeks and then moved to another location. Discussion ensued regarding sanitary issues related to railroad labor camps and inspections by local health officials and State Department of Health level. Senator Riegsecker asked Mr. Bainter to furnish him a copy of a report from the Elkhart County Health Department regarding railroad labor camps, and asked how these conditions might affect contract negotiations. Mr. Bainter did not know. Representative Tyler expressed concern that children could easily enter the grounds of the railroad labor camps and play in the unsanitary conditions.

Tom Fruechtenicht, representing Norfolk Southern, stated that this issue had been discussed in the Rail Safety Corridor Study Committee in 2005. He stated that the workers live in the camps during the week, work 40 hour weeks, and go home on the weekend. He said that there had been inspections of several camps in the last year by some local boards of health and no substantial problems were noted. A discussion ensued as to whether the State Department of Health or a local department has jurisdiction to inspect the camps. Senator Becker requested that Susan Montgomery and Brian Carnes, legislative liaison for the state department of health, work together to determine if a county board of health could inspect railroad labor camps at this time, and if not, if there would be a fiscal impact in requiring them to do the inspections. Mr. Fruechtenicht assured the cooperation of Norfolk Southern with any inspections.

3. Coal Mine Safety Legislation (Senator R. Young)

Senator Landske stated that she believes that Representative Stilwell will be authoring legislation pertaining to coal mine safety in the 2007 Session.

4. Certification of Pipefitters

Senator Landske stated that draft legislation on this topic is being prepared for the 2007 Session.

5. Smoke Detectors and Sprinkler Systems in Health Facilities, Including Nursing Homes

Michelle Niemier, Executive Director of United Senior Action, believes that legislation requiring sprinkler systems in nursing homes in Indiana should move forward and that requiring hard wired smoke detectors in each resident's room should follow right behind. Jim Leich, Indiana Association of Homes and Services for the Aging (IAHSA), stated that over half of the facilities in Indiana may not have hard-wired smoke detectors at this time. He asked that if this type of system were required, would there be some funding to help the facilities. Mary Ann Maroon of the Indiana Health Care Association (ICHA), responded to Representative Tyler that there are some nursing homes that are not members of Mr. Leich's or her organizations, so a true cost to the industry may not be easily determined.

No action was taken by the Committee on PD 3438 (Exhibit E), Smoke detectors in nursing homes. The Committee voted to approve PD 3434 (Exhibit F) Health facility sprinklers for fire safety by voice vote.

6. Coal Mine Safety Testimony (Senator R. Young)

Steve Bottoms, a licensed Indiana and Illinois coal miner and advocate for coal mine safety, believes that Indiana has taken steps backwards on the issue of coal mine safety. He is concerned that the Indiana Department of Labor made no inspections of coal mines in 2005, despite being required by Indiana law to inspect each mine at least four times a year. He also feels that state records are not open for inspection. On this topic, he gave the Committee Exhibit G containing his thoughts. He implored the Committee to ensure that miners go into safe mines. Senator Becker asked Mr. Bottoms if he had discussed these issues with Representative Stilwell; he replied that he had. Senator Becker stated that she believed that there would be legislation on this issue in the 2007 Session, and that there would be opportunities for amendment during the process.

Gary Fritz, a third generation coal miner, who has been a federal coal mine inspector and has investigated fatal and near fatal accidents, disagreed with testimony from the second meeting regarding pay scales of miners. He stated that miners have no pensions and no deferred compensation benefits, and that with inflation, their pay is less than three decades ago. He does not want to see mine safety go back three decades, either. He also thinks that coal companies play with their accident statistics to make them look better than they are.

7. Final Report

The Committee voted 7-0 to approve the draft Final Report (Exhibit H), with the report edited to reflect the action taken at this meeting and the witnesses that appeared.

Chairperson Landske adjourned the meeting at 12:20 p.m.